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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In re:

11 CIMMARON SQUARE ROT, LLC,
12 Debtor.

Case No. BK-S-10-34253 LBR
Chapter 11

**EX PARTE APPLICATION FOR ORDER
SHORTENING TIME TO HEAR FIRST
DAY MOTIONS**

Date: OST Requested
Time: OST Requested

16 This Motion is made and based upon the Points and Authorities set forth herein, and the
17 oral arguments of counsel the Court may wish to entertain at a hearing on the Motion, if any.
18 CIMMARON SQUARE ROT, LLC, the debtor and debtor-in-possession ("Debtor") in the above-
19 captioned chapter 11 case, by and through undersigned proposed counsel, hereby files this Ex
20 Parte Application For An Order Shortening Time To Hear First Day Motions and in support
21 thereof states as follows:

22 1. The Debtor is the co-owner of an existing shopping center situated in an upscale
23 neighborhood retail center within the master planned community of Mountains Edge and in the
24 Southwest portion of the valley (the "Shopping Center"). The Debtor and each of its two co-
25 owners have filed Chapter 11 cases in this Court. The Shopping Center is located at the southwest
26 corner of the intersection of Blue Diamond Road and Cimarron Road on a site of 2.74 acres, zoned
27 for Commercial Neighborhood Shopping. There are 4 separate buildings constructed in 2008
28 having Net Leaseable space of 35,068 sq.ft. 25,412 sq.ft. (approximately 72%) are currently

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1 leased.

2 2. The following first day motions and applications have been filed (collectively, the
3 "First Day Motions"):

<u>Motion/Application</u>	<u>Relief Requested</u>
Emergency Motion for an Order Authorizing the Use of Cash Collateral on an Interim and Continuing Basis	In this Cash Collateral Motion, the Debtor respectfully requests that this Court enter an order authorizing the use of Cash Collateral on an interim basis and on continuing basis. The Debtor seeks leave to utilize the Rents generated by its shopping center (the "Rents") to maintain the Shopping Center, payment of management services and expenses, for payment of common area maintenance expenses, property taxes, liability insurance premiums, landlord expenses incurred by the shopping center, and for no other purposes. The balance of the Rents collected will be deposited in the debtor in possession account and <u>not</u> used for other purposes.
Motion for Substantive Consolidation	In this Consolidation Motion, Cimmaron Square ROT, LLC, Cimmaron Square KG, LLC, and Alma GW AZ, LLC (collectively, the "Debtors") seek authority to substantively consolidate their Chapter 11 cases because the three Debtors are tenants in common in the ownership of the Shopping Center. The Debtors seek substantive consolidation of their cases to promote the efficient administration of each of these three cases. Debtors further request authorization to utilize one joint debtor-in-possession bank account.
Application by Debtor and Debtor-in-Possession for Authorization to Retain and Employ Schwartz & McPherson Law Firm as Counsel Under General Retainer, Nunc Pro Tunc	In this Employment Application, Debtor prays for an Order of this Court authorizing it to retain and employ Lenard E. Schwartz and the Schwartz & McPherson Law Firm as its counsel under a general retainer, nunc pro tunc to December 31, 2010 with the payment of fees subject to continuing review and approval of this Court, and that it have such other and further relief as is just.

24 3. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).

25 4. Debtor requests that the aforementioned First Day Motions be heard on shortened
26 time to prevent the disruption of the Debtor's daily operation of its business. It would be
27 extremely detrimental to the Shopping Center if the relief requested in the First Day Motions was
28 not granted in a timely fashion, and are therefore requesting that the Court issue an order

1 shortening time to hear the First Day Motions at the Court's earliest time available.

2 Dated this 3rd day of January, 2011.

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9 Proposed Attorneys for Debtor and
10 Debtor in Possession

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